

REMARKS/ARGUMENTS

This is in response to the Office Action mailed January 22, 2009 for the above-captioned application. Reconsideration and further examination are respectfully requested.

The Examiner has rejected claims 4 and 14 as indefinite as they are dependent on canceled claims. These claims have been amended to be dependent on claims 1 and 10 respectively.

Claims 10 and 11 have been refused priority to the provisional application because the Examiner states that provisional application does not provide support for molecules with less than 49 bases, but more than 23 or less than 21. Claim 10 has been amended to remove reference to a length of less than 49 bases. Applicants submit that these claims should now have the benefit of the priority filings.

Claims 1, 10, and 11 have been rejected as obvious over Miyake in view of Tuschl, Fosnaugh, and Hammond. Applicants submit that Fosnaugh is not a prior art reference to the claimed subject matter, as amended. Fosnaugh is a reference under 102(e). While Fosnaugh claims priority to a provisional application, the parts cited by the Examiner were not in the provisional application. Therefore, the subject matter relied upon by the Examiner has a priority date of August 20, 2002, Fosnaugh's filing date. Applicants enclose a Rule 131 Declaration, swearing behind this reference date, showing conception and diligence prior to filing of the provisional application August 21, 2002. As applicants have a date of invention prior to the reference priority date, it is not a reference. As the remaining references do not disclose all of the claim limitations, the rejection must be withdrawn.

Appln No.: 10/646,436

Reply to Office Action of January 22, 2009

Applicants submit that the present claims, as amended, are in form for allowance and that current rejections should be withdrawn.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Marina T. Larson', is written over a horizontal line.

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